

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation, also titled The Flinn Report in memory of founding JCAR member Rep. Monroe Flinn, is designed to inform and involve the public in changes taking place in agency administration.

New Rules

■ IEPA LOAN PROGRAM

The ILLINOIS ENVIRONMENTAL PROTECTION AGENCY adopted amendments to Procedures for Issuing Loans From the Water Pollution Control Loan Program (35 IAC 365; 39 Ill Reg 13131) effective 4/1/16 that establish scoring criteria for evaluating applications for loan principal forgiveness submitted by loan recipients with a service population of 15,000 or fewer customers. These criteria include median household income, present population, unemployment, and population decrease. The rulemaking also adds stormwater treatment systems to the list of projects eligible for assistance under this Part. Since 1st Notice, IEPA has clarified that the median household income of the applicant's service population must be less than or equal to the Statewide median; modified the

definitions of fixed loan rate, municipality, treatment works, and useful life and required that principal forgiveness be provided until funds are exhausted. Small municipalities and other units of local government such as water districts may be affected by this rulemaking.

Questions/requests for copies: Rex L. Gradeless, IEPA, 1021 N. Grand Ave. East, PO Box 19726, Springfield IL 62794; 217/782-5544; Rex.Gradeless@illinois.gov.

DHS REPEALER

The DEPARTMENT OF HUMAN SERVICES repealed the Part titled Lekoteks (89 IAC 899; 39 Ill Reg 16381) effective 3/29/16 because the provisions of the Disabled Persons Rehabilitation Act implementing the Lekotek

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Proposed Rulemakings

■ HUNTING

The DEPARTMENT OF NATURAL RESOURCES proposed amendments to 14 Parts to update its Statewide and site-specific hunting rules: Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Rabbit Hunting (17 IAC 530; 40 Ill Reg 6305); Duck, Goose and Coot Hunting (17 IAC 590; 40 Ill Reg 6322); White-Tailed Deer Hunting By Use of Firearms (17 IAC 650; 40 Ill Reg 6377); White-Tailed Deer Hunting By Use of Muzzleloading Rifles (17 IAC 660; 40 Ill Reg 6397); White-Tailed Deer Hunting By Use of Bow and Arrow (17 IAC 670; 40 Ill Reg 6412); Special White-Tailed Deer Season for Disease Control (17 IAC 675; 40 Ill Reg 6436); Late-Winter Deer Hunting Season (17 IAC 680; 40 Ill Reg 6440); Youth Hunting Seasons (17 IAC 685; 40

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NEW RULES: Rules adopted by agencies this week. **EMERGENCY RULES:** Adopted for a temporary period not to exceed 150 days.

PROPOSED RULES: Rules proposed by agencies this week, commencing a 45-day First Notice period during which public comments must be accepted.

PEREMPTORY RULES: Rules adopted without prior public notice or JCAR review as authorized by 5 ILCS 100/5-50.

■ Designates rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS: Submit mail, email or phone calls to the agency personnel listed below each summary.

RULE TEXT: Available on the Secretary of State (www.cyberdriveillinois.com) and General Assembly (www.ilga.gov) websites under Illinois Register. Second Notice text (original version with changes made by the agency during First Notice included) is available on the JCAR website.

Proposed Rulemakings

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Ill Reg 6445); Squirrel Hunting (17 IAC 690; 40 Ill Reg 6451); The Taking of Wild Turkeys – Spring Season (17 IAC 710; 40 Ill Reg 6463); The Taking of Wild Turkeys – Fall Gun Season (17 IAC 715; 40 Ill Reg 6488); The Taking of Wild Turkeys – Fall Archery Season (17 IAC 720; 40 Ill Reg 6496); Dove Hunting (17 IAC 730; 40 Ill Reg 6507); and Crow, Woodcock, Snipe, Rail and Teal Hunting (17 IAC 740; 40 Ill Reg 6525). Amendments to Parts 530, 590, 660, 670, 690, 710, 715, 720, and 740 open Embarras River Bottoms State Natural Area to pheasant, quail, rabbit, duck, goose, deer, squirrel, turkey and teal hunting and make additional site-specific changes regarding use of windshield cards, tree stand and blind placement, and other issues. Parts 650 and 660 are being amended to add a 50-cent vendor fee for deer permits sold over the counter by licensed vendors, allow use of archery equipment to hunt deer on private land during the firearm deer season, and make site-

specific changes. The Part 670 amendments allow non-Illinois residents to purchase single antlerless-only archery deer permits, but prohibit nonresidents who have made such purchases from purchasing combination archery deer permits after 9/30. Amendments to Part 675 open Kankakee and Livingston Counties to additional deer hunting seasons (the weekend after Christmas and the 2nd or 3rd weekend in January) intended to control the spread of Chronic Wasting Disease. Finally, the Part 685 rulemaking raises the age limit for participation in the youth deer hunting season from 16 to 18. Those affected by these rulemakings include hunters, outfitters, and hunting permit vendors.

Questions/requests for copies/comments concerning the 14 DNR rulemakings through 5/31/16: Parts 530, 590, 685, 690, 710, 715, 720, 730, and 740, Anne Mergen (217/782-1809); Parts 650, 660, 670, 675, and 680, Daniel Nelson (217/782-0179); DNR, One Natural Resources Way, Springfield IL 62702-1271.

new rules for filing composite returns apply to tax years ending after 12/31/14. Other provisions permit partnerships and Subchapter S corporations to report changes in Illinois income tax liability and pay taxes owed by partners and shareholders for tax years ending on or after 12/31/08.

Questions/requests for copies/comments through 5/31/16: Brian Stocker, DOR, 101 W. Jefferson, Springfield IL 62796, 217/782-2844.

■ PROCUREMENT

The CHIEF PROCUREMENT OFFICER FOR THE CAPITAL DEVELOPMENT BOARD proposed an amendment to the Part titled Chief Procurement Officer for Capital Development Board (44 IAC 8; 40 Ill Reg 6294) raising the small purchase limit for construction projects to \$100,000. The current threshold, annually adjusted for inflation, is \$44,100. Small businesses seeking CDB construction contracts may be affected by this rulemaking.

Questions/requests for copies/comments through 5/31/16: Margaret van Dijk, CPO, Capital Development Board, 401 S. Spring St., Rm. 318, Springfield IL 62706, 217/558-2156, Margaret.vanDijk@illinois.gov

New Rules

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program (a network of resource, training and counseling centers for special needs children and their families) were repealed by PA 99-120.

Questions/requests for copies: Tracie Drew, DHS, 100 S. Grand Ave. East, 3rd Fl., Springfield IL 62762, 217/785-9772.

■ INCOME TAX

The DEPARTMENT OF REVENUE proposed amendments to Income Tax (86 IAC 100; 40 Ill Reg 6540) that provide guidance on the implementation of PA 98-478, which repealed the general authority partnerships and Subchapter S corporations formerly had to file composite returns for non-Illinois-resident partners and shareholders. The

JCAR Meeting Action

At its 4/12/16 meeting, the Joint Committee on Administrative Rules took the following actions:

prohibits payment of motor fuel tax by EFT, but more recent amendments to the Motor Fuel Tax Act permit EFT payments.)

OBJECTIONS

JCAR objected to Section 660.16(a)(9) of the Department of Revenue rulemaking titled Tobacco Products Act (86 IAC 660; 40 Ill Reg 2156) because requiring license applicants to provide any other information DOR may lawfully require, without stating in rule the actual type of information it will require, constitutes policy not in rule in violation of Section 5-20 of the Illinois Administrative Procedure Act, and violates Section 10-21 of the Tobacco Products Tax Act of 1995.

JCAR objected to Sections 465.35(b) and 465.90 of the Illinois Commerce Commission rulemaking titled Net Metering (83 IAC 465; 39 Ill Reg 6134) because those portions of the rulemaking are inconsistent with Sec. 16-107.5 of the Public Utility Act. The statute defines and uses the term “electricity provider”. The Commission has chosen to use the term “electricity supplier” and give that term a meaning that differs from the statute.

RECOMMENDATIONS

With respect to the rulemaking titled Payment of Taxes by Electronic Funds Transfer (86 IAC 750; 40 Ill Reg 1660) JCAR recommended that DOR seek a statutory amendment to resolve the conflict between Sec. 210 of the Department of Revenue Law and the Motor Fuel Tax Act. (The DOR Law

With respect to the Illinois Community College Board rulemaking titled Administration of the Illinois Public Community College Act (23 IAC 1501; 39 Ill Reg 5743) JCAR recommended that ICCB be more timely in implementing new statute. PA 96-194, which is being implemented by this rulemaking, became effective 1/1/10.

FAILURE TO REMEDY

JCAR issued a Notice of Failure to Remedy for the Department of Labor rulemaking titled Job Opportunities for Qualified Applicants Act (56 IAC 340; 39 Ill Reg 11206) because DOL chose not to respond to the Objection JCAR issued at its 12/15/15 meeting within the 90-day response period. Under Section 5-110(f) of the IAPA, an agency’s failure to respond to a JCAR Objection constitutes withdrawal of the rulemaking in its entirety. JCAR found that DOL’s failure to respond and the consequent withdrawal of the rulemaking did not remedy the Objection.

EXTENSION

JCAR and the Illinois Gaming Board agreed to extend the Second Notice period for the rulemaking titled Video Gaming (General) (11 IAC 1800; 39 Ill Reg 14809) an additional 45 days.

Second Notices

The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. These rulemakings will be considered at the Committee's May 10, 2016 meeting. Other items may also be considered. Further comments concerning these rulemakings should be addressed to JCAR using the contact information on page 1.

ILLINOIS RACING BOARD

Entries, Subscriptions, and Declarations (11 IAC 1413; 40 Ill Reg 2907) proposed 2/16/16

Medication (11 IAC 603; 40 Ill Reg 2892) proposed 2/16/16

HEALTH FACILITIES AND SERVICES REVIEW BOARD

Health Facilities and Services Financial and Economic Feasibility Review
(77 IAC 1120; 39 Ill Reg 13566) proposed 10/6/15

DEPT OF INSURANCE

Destruction of Records (50 IAC 901; 39 Ill Reg 14218) proposed 11/6/15

STATE UNIVERSITIES RETIREMENT SYSTEM

Universities Retirement (80 IAC 1600; 40 Ill Reg 187) proposed 1/4/16

Joint Committee on Administrative Rules

Senator Bill Brady

Representative Greg Harris

Senator Karen McConnaughay

Representative Lou Lang

Senator Matt Murphy

Representative David Leitch

Senator Don Harmon

Representative Ron Sandack

Senator Tony Muñoz

Representative André Thapedi

Senator Ira Silverstein

Representative Michael Tryon

**Vicki Thomas
Executive Director**